

369.063613(232)

RMW/CHA/tgc

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

RONNIE MANNS,

Plaintiff,

vs.

No. 07 CV 50244

ILLINOIS DEPARTMENT OF
CHILDREN AND FAMILY SERVICES,
and LUTHERAN SOCIAL SERVICES,

Defendants.

**DEFENDANT LUTHERAN SOCIAL SERVICES'
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

NOW COMES the Defendant, Lutheran Social Services of Illinois, a nonprofit social services agency, by its attorneys, Richard M. Waris and Cynthia H. Alkhouja of Pretzel & Stouffer, Chartered, and in support of its motion to dismiss the plaintiff's complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), submits the attached memorandum of law and states as follows:

1. Plaintiff's claims against Defendant Lutheran Social Services ("LSS") must be dismissed because both the Issue Preclusion doctrine and the *Rooker-Feldman* doctrine apply to bar Plaintiff's action.

2. Plaintiff's claims against Defendant Lutheran Social Services ("LSS") must also be dismissed because social services agencies, such as LSS, are granted immunity from civil liability pursuant to the Illinois Mental Health and Developmental Disabilities Act, 740 ILCS 110/11, for disclosures made in good faith.

3. Finally, plaintiff admits that Katisha M. was placed back with plaintiff on or about

December 21, 2007, and admits that he does not seek any injunctive relief. Plaintiff asserts no basis for an award of monetary relief. Therefore, Plaintiff's complaint should be dismissed.

WHEREFORE, for the foregoing reasons and for the reasons set forth in Defendant's memorandum of law in support of its motion to dismiss and supporting Exhibits, Lutheran Social Services of Illinois respectfully requests that this honorable Court grant its motion to dismiss Plaintiff's Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

Respectfully submitted,
PRETZEL & STOUFFER, CHARTERED

By: /s/ Cynthia H. Alkhousa

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this Motion to Dismiss Plaintiff's Complaint and Memorandum of Law were filed electronically this 7th day of March, 2008. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system, and/or mail (as indicated below). Parties may access this filing through the Court's electronic system.

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/s/ Cynthia H. Alkhouja

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